

04772 U.S. PTO  
10/24/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventorship.....Deem et al.  
Applicant..... Microsoft Corporation  
Attorney's Docket No. .... MS1-1793US  
Title: Programming Interface for a Computer Platform

17858 U.S. PTO  
10/693804



TRANSMITTAL LETTER AND CERTIFICATE OF MAILING

To: Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

From: Allan T. Sponseller (Tel. 509-324-9256; Fax 509-323-8979)  
Customer No. 22801

The following enumerated items accompany this transmittal letter and are being submitted for the matter identified in the above caption.

1. Specification—title page, plus pages 1-161, including 53 claims and Abstract
2. Transmittal letter including Certificate of Express Mailing
3. 10 Sheets Formal Drawings (Figs. 1-17)
4. Return Post Card
5. Petition to Suspend Rules Pursuant to Rule 1.183
6. Two duplicative sets of three compact discs (CD-Rs) each labeled "Copy 1" and "Copy 2".

The two sets of compact discs are identical. The compact discs, and files stored thereon, may be read using a Windows®-based computing device (e.g., IBM-PC, or equivalent) that executes a Windows®-brand operating system (e.g., Windows® NT, Windows® 98, Windows® 2000, Windows® XP, etc.). The first compact disc in each set of three compact discs (CD 1 of 3) includes a file folder named "lhsdk" that was created on October 22, 2003; it is 586 Mbytes in size, contains 9,692 sub-folders, and contains 44,292 sub-files. The second compact disc in each set of three compact discs (CD 2 of 3) includes a file folder named "ns" that was created on October 22, 2003; it is 605 Mbytes in size, contains 12,628 sub-folders, and contains 44,934 sub-files. The third compact disc in each set of three compact discs (CD 3 of 3) includes a file folder named "ns" that was created on October 22, 2003; it is 575 Mbytes in size, contains 9,881 sub-folders, and contains 43,630 sub-files.

Date: 10/24/03

By:

Allan T. Sponseller  
Reg. No. 38,318

CERTIFICATE OF MAILING

I hereby certify that the items listed above as enclosed are being deposited with the U.S. Postal Service as either first class mail, or Express Mail if the blank for Express Mail No. is completed below, in an envelope addressed to The Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the below-indicated date. Any Express Mail No. has also been marked on the listed items.

Express Mail No. (if applicable)

**EV355227064**

Date: 10/24/03

By:

Carlin Taylor

1       **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

2       Application Serial No. ....  
 3       Filing Date .....  
 4       Inventorship..... Deem et al.  
       Assignee..... Microsoft Corporation  
 5       Group Art Unit .....  
       Examiner .....  
 6       Attorney's Docket No. .... MS1-1793US  
       Title: "Programming Interface for a Computer Platform"

7       **PETITION TO SUSPEND RULES PURSUANT TO RULE 1.183**

8       To:       Commissioner for Patents  
               PO Box 1450  
               Alexandria, Virginia 22313-1450

10      From:     Lewis C. Lee (Tel. 509-324-9256; Fax 509-323-8979)  
               Lee & Hayes, PLLC  
               421 W. Riverside Avenue, Suite 500  
               Spokane, WA 99201

14      Applicant submits that the subject application is being filed under  
 15      extraordinary circumstances. The application contains content from a Software  
 16      Development Kit (SDK) for the Microsoft® Windows® Code-Named "Longhorn"  
 17      operating system. The SDK contains documentation for the Microsoft®  
 18      Windows® Code-Named "Longhorn" operating system.

19      The SDK was initially stored on a DVD. When installed, users can  
 20      conveniently view a hierarchy of files that includes a very large set of APIs  
 21      (Application Program Interfaces) arranged in namespaces and easily navigate  
 22      through the hierarchy to any particular interface.

23      The subject matter in the SDK to be included in the patent application is of  
 24      enormous size, totaling approximately 1,766 Mbytes (i.e., more than 1.7 Gigabytes).  
 25      The Patent Office does not accept DVDs. Rule 1.52(e) does, however, permit

1 submission of compact discs that contain electronic documents that are to become  
2 part of the permanent record at the US Patent and Trademark Office.

3 Applicant has thus prepared three compact discs, with subject matter  
4 extracted from the SDK and stored in a linked HTML format. Each compact disc  
5 conforms to the International Standards Organization (ISO) 9660 standard. The  
6 HTML format is ASCII compliant, as it contains human-readable ASCII characters.  
7 It does, however, also include HTML code.

8 Although it is believed that the three compact discs with subject matter  
9 stored in linked HTML format complies with the requirements Rule 1.52(e),  
10 Applicant hereby requests, pursuant to Rule 1.183, suspension of Rule  
11 1.52(e)(3)(i) in the event that the additional HTML code somehow renders the  
12 stored contents not precisely compliant with ASCII.

13 Applicant's counsel, Lewis Lee (Reg. No. 34,656), discussed this matter with  
14 Michael Lewis of the USPTO on several occasions during the week of Oct. 13<sup>th</sup>,  
15 2003. Submission of this petition was determined to be the most appropriate course  
16 of action to ensure compliance with the filing requirements.

17 The Office is hereby authorized to charge a petition fee set forth in § 1.17(h)  
18 to our Deposit Account is 120769.

20 Respectfully Submitted,

21  
22 Dated: 10/24/2003

23 By: \_\_\_\_\_



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